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NOTICE OF ALLOWANCE AND FEE(S) DUE

45372 7590 08/25/2009

MARSHALL, GERSTEIN & BORUN LLP (FISHER)
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO, IL 60606

EXAMINER

SHECHTMAN, SEAN P

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 08/25/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/590,573

08/22/2006

Terrence L. Blevins

06005/41113

8569

TITLE OF INVENTION: INTEGRATION OF PROCESS MODULES AND EXPERT SYSTEMS IN PROCESS PLANTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	11/25/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

45372 7590 08/25/2009

MARSHALL, GERSTEIN & BORUN LLP (FISHER)
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO, IL 60606

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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TITLE OF INVENTION: INTEGRATION OF PROCESS MODULES AND EXPERT SYSTEMS IN PROCESS PLANTS

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	11/25/2009
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EXAMINER	ART UNIT	CLASS-SUBCLASS
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SHECHTMAN, SEAN P	2121	700-049000
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1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date _____

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Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 81 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 81 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/590,573

Applicant(s)

BLEVINS ET AL.

Examiner

Sean P. Shechtman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/6/09.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. Rejection withdrawn.

Claim Rejections - 35 USC § 102

2. Rejection withdrawn.

Claim Rejections - 35 USC § 103

3. Rejection withdrawn.

Allowable Subject Matter

4. Claims 1-20 are allowed.

The following is an examiner's statement of reasons for allowance:

While Hogg teaches a configuration system for configuring a process control system of a process plant (Col. 3, lines 52-60), the configuration system comprising: a configuration database to store a configuration of the process control system; a process module stored in the configuration database (Col. 5, lines 35-64, flight data; Abstract, data includes signals indicative of operation of engine control system, and downloading flight data to diagnostic system which is an inference engine and knowledge database), the process module comprising a plurality of process objects, each process object representing a corresponding physical entity in the process plant (Abstract, data includes sensor data), the process module representing a logical unit in the process plant (Abstract, data representing aircraft engine control system); and a set of expert rules stored in the configuration database (Col. 15, lines 19 – Col. 18, line 11, rules), the set of expert rules associated with the process module (Col. 15, lines 19 – Col. 18, line

11, “rules relating each sensor signal...”) and adapted to be applied by an expert engine to detect at least one abnormal situation associated with the logical unit (Col. 15, lines 19 – Col. 18, line 11; Fig. 8, Col. 12, lines 37-53, component needing to be replaced), the set of expert rules referencing information exposed by the process module (Col. 15, lines 19 – Col. 18, line 11, “determining from said engine sensor signals a first series of rules to be tested”).

And, Eryurek teaches a configuration system for configuring a process control system of a process plant (paragraph 15-18), the configuration system comprising: a configuration database to store a configuration of the process control system (Fig. 2, element 66, Fig. 3; paragraphs 29, 46, 50, 56); a process module stored in the configuration database, the process module comprising a plurality of process objects, each process object representing a corresponding physical entity in the process plant, the process module representing a logical unit in the process plant (Figs. 1, 3; paragraphs 3, 25, 29, 30, 56).

And, Bajpai teaches a set of expert rules stored in a configuration database (Fig. 1, KB, Abstract), the set of expert rules associated with a process module representing a logical unit in a process plant (Fig. 7, Col. 6, lines 1-13, loaded MID file representing machine; Col. 5, lines 1-40, MID machine description information and Col. 3, lines 52-58, CAD data) and adapted to be applied by an expert engine to detect at least one abnormal situation associated with the logical unit (Col. 8, lines 20-Col. 9, lines 15, expert system diagnosis; Col. 4, lines 28-66, inference engine; Col. 13-14, fault

hypothesis), the set of expert rules referencing information exposed by the process module (Col. 4, lines 28-66, MID or SID).

Referring to claim 1, none of Hogg, Eryurek or Bajpai, taken either alone or in obvious combination disclose a system for configuring a process control system of a process plant, having all the claimed features of applicant's instant invention, specifically including: "a process module stored in the configuration database, the process module comprising a plurality of process objects, each process object representing a corresponding physical entity in the process plant and providing data associated with the corresponding physical entity, the process module representing a logical unit in the process plant; and a set of expert rules stored in the configuration database, the set of expert rules associated with the process module and adapted to be applied by an expert engine to detect at least one abnormal situation associated with the logical unit, the set of expert rules referencing the data provided by the plurality of processes objects of the process module".

Referring to claim 2, none of Hogg, Eryurek or Bajpai, taken either alone or in obvious combination disclose a system for monitoring a process control system of a process plant, having all the claimed features of applicant's instant invention, specifically including: the process module comprising the set of expert rules.

Referring to claim 11, none of Hogg, Eryurek or Bajpai, taken either alone or in obvious combination disclose a system for monitoring a process control system of a process plant, having all the claimed features of applicant's instant invention, specifically including: "a processor; a computer readable memory; a process module

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stored in the computer readable memory, the process module comprising a plurality of interconnected process objects, each process object representing a corresponding physical entity in the process plant, the process module representing a logical unit in the process plant, each process object having a parameter memory storage to store parameter data corresponding to the physical entity represented by the process object, wherein at least some of the process objects of the process module include simulation capabilities to simulate the corresponding physical entities; an expert module stored in the computer readable memory, the expert module including a set of expert rules associated with the process module and adapted to be applied by an expert engine to detect at least one abnormal situation associated with the logical unit, the set of expert rules referencing parameter data of the process module, the expert module including expert module parameters associated with evaluation of the expert rules; a process graphic stored in the computer readable memory, the process graphic adapted to provide on a user interface a graphical depiction of the logical unit, parameter data of the process module, and parameter data of the expert module; an execution engine stored in the computer readable memory and adapted to be executed by the processor, the execution engine to execute the process module during operation of the process plant and to display on the user interface the graphical depiction of the logical unit, the parameter data of the process module, and the parameter data of the expert module; and an expert engine stored in the computer readable memory and adapted to be executed by the processor, the expert engine to apply the set of expert rules of the expert module.”

Referring to claim 17, none of Hogg, Eryurek or Bajpai, taken either alone or in obvious combination disclose a method to facilitate monitoring a process control system of a process plant, having all the claimed features of applicant's instant invention, specifically including: "configuring a process module, the process module comprising a plurality of interconnected process objects, each process object representing a corresponding physical entity in the process plant, the process module representing a logical unit in the process plant; configuring an expert module, the expert module including a set of expert rules associated with the process module and adapted to be applied by an expert engine to detect at least one abnormal situation associated with the logical unit, the set of expert rules referencing parameter data of the process module, the expert module including expert module parameters associated with evaluation of the expert rules; configuring a process graphic, the process graphic adapted to provide on a user interface a graphical depiction of the logical unit, parameter data of the process module, and parameter data of the expert module; storing the configured process module, the configured expert module, and the configured process graphic to a configuration database, the configuration database to store a configuration of the process control system; and downloading the configured process module, the configured expert module, and the configured process graphic to a workstation in the process plant, the workstation adapted to implement an execution engine to execute the process module, to display the process graphic on a user interface, and to implement the expert engine during operation of the process."

It is for these reasons that applicant's invention defines over the prior art of record. Claims 3-10, 12-16, 18-20 depend from claims 1, 2, 11, or 17, and are therefore also allowable. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean P. Shechtman whose telephone number is (571)272-3754. The examiner can normally be reached on 9:30am-6:00pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SPS
Sean P. Shechtman
August 23, 2009

/Sean P. Shechtman/
Primary Examiner, Art Unit 2121